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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Fallon, et al.

Serial No: 09/715,836

Filed: November 17, 2000

For: Biglycan and Related Therapeutics and
Methods of Use

Attorney Docket No.: BURF-P01-0

Art Unit: 1646

Examiner: Olga N. Chernyshev

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Brent LaBarge

Commissioner for Patents
Washington, D.C. 20231

REPLY TO RESTRICTION REQUIREMENT

Sir:

In reply to the outstanding Restriction Requirement, mailed June 5, 2002, in connection with the above application, Applicants hereby elect Group I, claims 1-14, drawn to a method for stabilizing dystrophin-associated protein complexes (DAPCs) on the surface of a cell. Applicants elect this invention, with traverse, for the reasons that follow.

First of all, Group I and at least some other groups are quite closely related and share common features that would facilitate searching these groups at once. Indeed, claims of Groups III and V are directed to methods which result from the mechanism set forth in claim 1, i.e., stabilizing DAPCs on the surface of cells. Second, Groups VI-XII each contain only one claim. Accordingly, simultaneous examination of Groups I, III, V-XII, or at least Groups I, III, and V, will not impose a substantial additional burden on the Examiner. Pursuant to MPEP 803, "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even

though it includes claims to independent or distinct inventions." Accordingly, Applicants respectfully request that the restriction requirement be withdrawn.

In addition, Applicants submit that the Examiner's restriction of claims 1-14 and 28-34 into Groups I and III is arbitrary. Claim 1 encompasses subject matter based on a method for stabilizing DAPCs with an effective amount of biglycan. The scope of claim 1 is in fact broader than and encompasses the subject matter of Group III. Accordingly, Applicants submit that claim 1 is a linking claim for Groups I and III. Applicants respectfully remind the Examiner that, in accordance with MPEP 809, "should any linking claim be allowed, the restriction requirement must be withdrawn."

The Examiner may address any questions raised by this submission to the undersigned at 617-951-7000. Applicants hereby request that any fee required for timely consideration of this submission be charged to Deposit Account No. 18-1945.

Date: July 1, 2002

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Respectfully Submitted,



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